IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 5743 of 1995

Between:

S.Aswarthanarayana Swamy S/o. late Aswarthu
r/at Kadiri Anantapur Dt.

..... PETITIONER

AND

The Dist. Judge, Anantapur,
Anantapur Dist.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Mandamus, declaring the action of the respondent in not appointing the petitioner in any one of the existing vacancies on compassionate grounds, as being illegal, and arbitrary, and further direct the respondent to appoint the petitioner in any one of the suitable posts forthwith.

Counsel for the Petitioner : MR.A.PRABHAKAR SARMA

Counsel for the Respondent : MR. C.V. NAGARJUNA REDDY, SC FOR AP. HIGH COURT.

The Court made the following :

ORAL ORDER:

(per Hon'ble The Chief Justice)

.....

1 . The writ petitioner has challenged the inaction on the part of the respondent in not appointing him in a suitable post on compassionate grounds as arbitrary and illegal.

2. Petitioner's father died on 02.04.1979 while in service as Clerk in Munsif Magistrate Court, Tadapatri. Petitioner belongs to Backward Class Group 'B'. He was 10 years of age when his father expired. His mother was alive and, as per the petition, she was suffering from tuberculosis. Only on 10.10.1994 when some posts fell vacant, petitioner applied for being given appointment on compassionate grounds. He was not given employment and thus questioned the action of the respondent in not giving appointment.

3. The compassionate appointment is governed by various orders issued by State Government from time to time. On 17.12.1979 clarification was issued as regards relaxation and certain queries were answered by General Administration (Services-A) Department, which clarifies that the minor dependant of the employee should not be considered for providing employment under the scheme as there cannot be any contractual obligation between the Government and the employee who is a minor. The intention of the Government being to see that the family is not exposed to destitution and the relief provided for should be immediate. Therefore, a spouse or a child of the deceased should immediately apply for the relief.

4. In view of the above, petitioner, having waited even for considerable period after attaining majority, cannot now claim for being given appointment on compassionate grounds. There is no force in the writ petition. It is accordingly dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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M. NARAYANA REDDY. J.,

Dated: 15.12.2004.

VRK.

To

1. The Dist. Judge, Anantapur,
Anantapur Dist.

2. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE
AND
HON'BLE SRI JUSTICE M. NARAYANA REDDY.

W.P.NO. 5743 OF 1995.

(Order of the Bench delivered by
Hon'ble The Chief Justice)

Dt: 15.12.2004.

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